

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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ENCOMPASS INSURANCE COMPANY OF  
MASSACHUSETTS,

Plaintiff,

v.

Case No. 05-11693 RCL

JOSEPH D. GIAMPA, FREDERICK T. GIAMPA,  
ADVANCED SPINE CENTERS, INC. d/b/a  
FIRST SPINE REHAB, FUTURE  
MANAGEMENT CORPORATION,  
FUTURE MANAGEMENT BUSINESS TRUST,  
EDWARD KENNEDY, BRIAN J. CULLINEY,  
D.C., and JENNIFER McCONNELL, D.C.

Defendants.

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**DEFENDANTS JOSEPH D. GIAMPA, FREDERICK T. GIAMPA, ADVANCED  
SPINE CENTERS, INC. d/b/a FIRST SPINE REHAB, EDWARD KENNEDY AND  
FUTURE MANAGEMENT CORPORATON'S MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO FED.R.CIV.  
P.12(b)(6) and 9(b)**

Defendants Joseph D. Giampa, Frederick T. Giampa, Advanced Spine Centers,  
Inc. d/b/a First Spine Rehab, Edward Kennedy and Future Management Corporation  
(hereinafter "the moving defendants") respectfully move that this Honorable Court  
dismiss all counts of the Plaintiff's Amended Complaint pursuant to Fed.R.Civ.P.  
12(b)(6) and 9(b).

In support of the Motion the moving defendants rely upon the accompanying  
Memorandum of Law.

Respectfully submitted,

Joseph D. Giampa  
Frederick T. Giampa  
Advanced Spine Centers, Inc.  
d/b/a First Spine Rehab  
Future Management Corporation

Edward Kennedy

By their attorneys

By his attorneys

/s/ Matthew J. Conroy  
Matthew J. Conroy (BBO# 566928)  
Katherine L. Kurtz (BBO # 658026)  
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/s/ Jeffrey J. Phillips  
Jeffrey J. Phillips (BBO# 398480)  
Daniel S. Treger (BBO# 562147)  
PHILLIPS & ANGLE  
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Boston, MA 02114  
(617) 367-8787

dated: October 18, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing pleading was served upon all counsel of record by mailing the same U.S. mail, 1<sup>st</sup> Class, postage prepaid this 18<sup>th</sup> day of October 2005.

/s/ Matthew J. Conroy

Matthew J. Conroy